

REMARKS

I. Introduction

Claims 15-28 are pending in the present application. Claims 15-28 were rejected. Claims 15, 16 and 19 have been amended. In view of the forgoing amendments and following remarks, it is respectfully submitted that claims 15-28 are allowable, and reconsideration is respectfully requested.

II. Specification Objections

The Examiner objected to the Title as not being descriptive of the invention. In response, Applicants have amended the title to be fully descriptive of the invention.

III. Rejection of Claims 15 to 28 under 35 U.S.C. § 103(a)

Claims 15-28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,161,071 ("Shuman") in view of U.S. Patent No. 6,161,524 ("Akbarian").

In order for a claim to be rejected for obviousness under 35 U.S.C. § 103(a), not only must the prior art teach or suggest each element of the claim, but the prior art must also suggest combining the elements in the manner contemplated by the claim. See Northern Telecom, Inc. v. Datapoint Corp., 908 F.2d 931, 934 (Fed. Cir. 1990), cert. denied, 111 S. Ct. 296 (1990); In re Bond, 910 F.2d 831, 834 (Fed. Cir. 1990). The Examiner bears the initial burden of establishing a *prima facie* case of obviousness. M.P.E.P. §2142. To establish a *prima facie* case of obviousness, the Examiner must show, *inter alia*, that there is some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify or combine the references, and that, when so modified or combined, the prior art teaches or suggests all of the claim limitations. M.P.E.P. §2143. To the extent that the Examiner may be relying on the doctrine of inherent disclosure for the obviousness rejection, the Examiner must provide a "basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristics necessarily flow from the teachings of the applied art." (See M.P.E.P.

§ 2112; emphasis in original; see also Ex parte Levy, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990)). Applicants respectfully submit that these criteria for obviousness have not been satisfied by the Examiner.

Amended claim 15 recites, in relevant part, an “apparatus for sensing an object and for outputting ascertained object data” including “an arrangement configured to send, via the connector element, a fixed, predetermined number of data packets provided for transmitting measurement data up to a maximum possible number of detected objects.” Although the Examiner concedes that Shuman does not disclose the step of “sending, via the connector element, a fixed, predetermined number of data packets provided for transmitting measurement data up to a maximum possible number of detected objects,” the Examiner also contends that col. 29, l. 16-41 of Shuman teaches “an arrangement for sending, via the connector element, a fixed, predetermined number of data packets provided for transmitting measurement data up to a maximum possible number of detected objects,” and that Akbarian discloses “the use of CAN data bus to send measurement data between the sensors 3 and the processing unit 9 (see col. 5, lines 4, lines 56-65).” However, nothing in Shuman or Akbarian teaches or suggests **an arrangement configured to send a fixed, predetermined number of data packets provided for transmitting measurement data**, and the cited sections of col. 29, l. 16-41 of Shuman and col. 5, lines 4 and 56-65 of Akbarian have nothing to do with this claimed feature. In addition, nothing in either Shuman or Akbarian teaches or suggests transmitting measurement data up to a maximum possible number of objects. To the extent the Examiner relies on the alleged disclosure of Akbarian regarding “the use of CAN data bus to send measurement data between the sensors 3 and the processing unit 9,” there is no reasonable interpretation of this disclosure which would support the Examiner’s assertion that this disclosure actually suggests the claimed feature of “**an arrangement configured to send**, via the **connector element**, **a fixed, predetermined number of data packets** provided for transmitting measurement data **up to a maximum possible number of detected objects.**” To the extent that the Examiner may be contending that the claimed features are inherently disclosed by the cited sections of Shuman and Akbarian, there is simply no “basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristics necessarily flow from the teachings of the applied art.”

For at least the forgoing reasons, it is respectfully submitted that the overall teachings of Shuman and Akbarian simply do not render obvious claim 15 and its dependent claims 16-18 and 20-21.

Amended claim 19 recites, in relevant part, an apparatus including “an arrangement configured to transmit the measurement data via a fixed, predetermined number of data packets provided for transmitting measurement data up to a maximum possible number of detected objects.” As explained above, nothing in either Shuman or Akbarian teaches or suggests transmitting measurement data via a fixed, predetermined number of data packets or transmitting measurement data up to a maximum possible number of detected objects. Therefore, for at least the forgoing reasons, it is respectfully submitted that the overall teachings of Shuman and Akbarian do not render obvious claim 19.

Independent claim 22 recites, in relevant part, a “method for transmitting measurement data” including the step of “causing the object-detection device to insert current measurement data of a detected object into a fixed, predetermined number of data packets” and “marking objects selected as the most relevant objects and entering the marked objects into the fixed, predetermined number of data packets.” Amended claim 16, which depends on claim 15, recites substantially similar limitations as the above-recited limitations of claim 22, i.e., amended claim 16 recites “an arrangement configured to insert current measurement data of the detected objects into the fixed, predetermined number of data packets; an arrangement configured to select and mark a most relevant object; and an arrangement configured to output the data packets to the data bus via the connector element.” The Examiner does not even address the above-recited features of claim 22, but the Examiner does contend (in connection with claim 16) that Akbarian discloses the above-recited features in col. 4, l. 66 – col. 5, l. 8. However, nothing in Akbarian (including the cited sections) teaches or suggests anything relating to an arrangement configured to *insert measurement data into a fixed, predetermined number of data packets*, let alone anything relating to either an arrangement configured to *mark objects selected as the most relevant objects* or an arrangement configured to enter those *marked objects into the fixed predetermined number of data packets*. Therefore, for at least the forgoing reasons, it is respectfully submitted that the overall teachings of Shuman and Akbarian do not render obvious claim 22 and its dependent claims 23-28, as well as claim 16 and its dependent claim 17.

IV. CONCLUSION

In view of all of the above, it is respectfully submitted that all of the presently pending claims 15-28 are in allowable condition. Prompt reconsideration and allowance of the application are respectfully requested.

Respectfully submitted,

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